

# CHAPTER 1492

An act to add section 2402.5 to, and to add Chapter 5 (commencing with section 2900) to Division 2 of, the Vehicle Code, relating to motor vehicle safety, declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 2402.5 is added to the Vehicle Code, to read:

2402.5. The commissioner shall, after he has considered motor vehicle safety standards adopted pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381 et seq.), adopt and enforce regulations identical to such standards with respect to any motor vehicle or item of motor vehicle equipment applicable to the same aspect of performance of such vehicle or item of equipment.

Following adoption of such regulations, the commissioner may test vehicles and specific types of equipment for compliance with the federal standards. In formulating test procedures, the commissioner shall review and consider test procedures utilized for compliance with the federal standards. If such vehicle or equipment does not conform to regulations adopted by the commissioner, no person shall sell or offer for sale any such vehicle or equipment.

In the absence of a motor vehicle safety standard adopted pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381 et seq.) or if any such standard is not applicable to vehicles or equipment manufactured and first sold in California, the commissioner may require vehicles and specific types of equipment to be tested and approved for compliance with the requirements of this code or any regulation adopted pursuant to this code, such test to be conducted pursuant to the provisions of Article 16 (commencing with Section 26100) of Chapter 2 of Division 12 of this code. If such vehicle or equipment does not conform to the provisions of this code or to regulations adopted by the commissioner, no person shall sell or offer for sale any such vehicle or equipment.

As used in this section, "motor vehicle safety standard" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance which is practicable, which meets the need for motor vehicle safety and which provides objective criteria. A federal motor vehicle safety standard which conflicts with an equipment provision of this code applicable to the same aspect of performance shall supersede that specific provision of this code with respect to vehicles in compliance with the federal motor vehicle safety standard that was in effect at the time of sale.

Sec. 2. Chapter 5 (commencing with Section 2900) is added to Division 2 of the Vehicle Code, to read:

## CHAPTER 5. CALIFORNIA TRAFFIC SAFETY PROGRAM

2900. There shall be established in this state, the California Traffic Safety Program, which shall consist of a comprehensive plan in conformity with the laws of this state to reduce traffic accidents and deaths, injuries, and property damage resulting there from. Such program shall include, but not be limited to, provisions, to improve driver performance, including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations and driver licensing, and, to improve pedestrian performance. In addition such program shall include, but not be limited to, provisions for an effective record system of accidents, including injuries and deaths resulting there from; accident investigations to determine the probable causes of accidents, injuries, and deaths; vehicle registration, operation, and inspection; highway design and maintenance including lighting, markings, and surface treatment; traffic control; vehicle codes and laws; surveillance of traffic for detection and correction of high or potentially high accident locations; and emergency services.

2901. The California Traffic Safety Program shall be prepared by the Administrator of Transportation. The Governor shall be responsible for the administration of the program, and shall have final approval of all phases of the program, and may take all action necessary to secure the full benefits available to the program under the federal Highway Safety Act of 1966, and any amendments thereto.

2902. To the maximum extent permitted by federal law and regulations and the laws of this state, the Governor may delegate to the Administrator of Transportation any power or authority necessary to administer the program and the administrator may exercise such power or authority once delegated.

2903. The Governor may establish an Advisory Committee on the California Traffic Safety Program which shall consist of various officials of state and local government and other persons who are interested in the establishment of a comprehensive program of traffic safety in this state including, but not limited to, representatives of agriculture, railroads, the Institute of Transportation and Traffic Engineering of the University of California, the motor vehicle manufacturing industry, the automobile aftermarket equipment servicing and manufacturing industry, automobile dealers, the trucking industry, labor, motor vehicle user organizations, and traffic safety organizations.

2904. The California Traffic Safety Program shall include a local traffic safety program designed to encourage the political subdivisions of this state to establish traffic safety programs consistent with the objectives of the California Traffic Safety Program.

2905. On or before the fifth legislative day of the 1968 legislative session and each year thereafter, the Governor shall submit a report to the Legislature through such interim committee or committees as may be designated by legislative resolution. Such report shall include a detailed presentation of the California Traffic Safety Program, a statement concerning the progress made in implementing the program and recommendations concerning possible legislative action deemed necessary or desirable to implement the program.

2906. The California Traffic Safety Program Fund is hereby created in the State Treasury to consist of the funds referred to in Section 2907.

2907. Any funds which are appropriated by Congress for the purposes of carrying out Section 402 of Title 23, United States Code (P.L. 89-564; 80 Stat. 731) and which are apportioned to this state by the Secretary of Commerce pursuant to Section 402 of Title 23, United States Code (P.L. 89-564; 80 Stat. 731) are continuously appropriated for the purposes and uses of the California Traffic Safety Program.

2908. The Governor shall apportion any funds contained in the California Traffic Safety Program Fund among the various state agencies and local political subdivisions as shall effectuate the purposes of the program, and, in accordance with any federal formula for apportionment or other federal requirements as contained in federal enactments, regulations, or standards promulgated by the Secretary of Commerce.

2909. Any local political subdivision of this state, including, but not limited to, a city, a county, a city and county, a district, or a special district, is authorized to participate in a local traffic safety program within its jurisdiction if such local program is approved by the Governor; provided, however, that any local political subdivision may participate in a traffic safety program other than that promulgated pursuant to the federal Highway Safety Act of 1966.

2910. Such local political subdivision may use, in implementing its local traffic safety program, any funds which are apportioned to it from the California Traffic Safety Program Fund by the Governor pursuant to Section 2908.

Sec. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Federal standards have been promulgated pursuant to the federal Highway Safety Act of 1966, and it is imperative that California implement such standards as soon as possible in order not to suffer a cut in federal funds granted to the state.

Senate Bill No. 719

  
President of the Senate

Passed the Senate August 4, 1967

  
Secretary of the Senate

  
Speaker of the Assembly

Passed the Assembly August 4, 1967

  
Chief Clerk of the Assembly

Approved 8/28, 1967

This bill was received by the Governor this 21 day of August, 1967, at 5:00 o'clock p. M.

  
Governor

  
Private Secretary of the Governor

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FILED  
In the office of the Secretary of State  
of the State of California  
AUG 28 1967  
2:40 PM  
J. P. Sullivan  
Assistant Secretary of State